

OPEN INSURANCE CASE

Lawyers Outline Fight in Suit to Enjoin N. Y. Life.

CLAIM WRONG USE OF FUNDS

Action Is in Behalf of International Union to Stop Alleged Campaigning by Company with Policy Holders' Money—Untermyer, McIntosh, and Cromwell in the Trial.

New York, Nov. 8.—The suit in injunction proceedings, brought by Stephen Farrelly against the New York Life Insurance Company, as a corporation, and against twenty directors of the company, as individuals, came up before Justice Dowling in the Supreme Court this afternoon.

Mr. Farrelly, as a policy holder, seeks to restrain the company and the directors from carrying on the present campaign for the election of the trustees at the expense of the policy holders. Mr. Farrelly, in his complaint, says that the information and belief he charges the company with spending the policy holders' money in campaigning for the administration ticket.

He alleges that the money used in printing campaign literature, seeking to influence the policy holders into supporting the administration ticket, came from the funds of the company. He also charges that advances were made from the company funds to agents to be used in electioneering for the administration ticket. Mr. Farrelly seeks to have this stopped.

In Policy Holders' Suit.

Although the suit is brought by Mr. Farrelly as an individual policy holder, it is generally known that the suit is brought in the interest of the International Policy Holders' Association, which organization has taken the field in opposition to the one placed in nomination by the present management of the company. Samuel Untermyer, the general counsel for the International Policy Holders' Association, is acting as counsel for Mr. Farrelly and appeared for him to-day.

The management of the New York Life has repeatedly denied that the policy holders' money was being used in the campaign. This charge has been before the court in New York.

Mr. Untermyer opened the proceedings to-day by telling about the \$40,000 insurance company has been using in the campaign, and what he aimed to show in the case. In speaking of the recent insurance legislation, which made it possible for the policy holders to elect officers of the company, Mr. Untermyer said:

"This legislation, very crude, very bungling, and very much needed, was passed in the interests of the policy holders, and provided for the creation of the machinery and the manner in which annual elections are to be held. This law left all the loopholes in it, which have been taken advantage of by the defendants in this suit to defeat the object for which this law was passed."

Mr. Untermyer stated that Mr. Farrelly's case is of considerable length. When he had finished John H. McIntosh, as counsel for the company, began to outline his defense. With Mr. McIntosh as counsel, the company has been in the case, as William Nelson-Cromwell. Neither McIntosh nor Cromwell got an opportunity to go into the matter at any length, owing to the lateness of the hour. Justice Dowling adjourned court at 4:30 p. m. and the case will come up to-morrow.

WIVES SEEK FREEDOM.

Mrs. Broderick Obtains Order Protecting Her from Husband.

Justice Gould, sitting in Equity Court No. 2 yesterday issued an order restraining James H. Broderick from in any manner interfering with his wife, Winifred Broderick, in her employment at the Bureau of Printing and Engraving, or at her home, or upon the street, or anywhere else. Broderick is also enjoined from interfering with the two minor children.

This order is based upon a petition of Mrs. Broderick, filed yesterday by J. F. Esby-Smith, her attorney, stating that in the suit for divorce heretofore filed by Mrs. Broderick, the court, upon final hearing, suspended its opinion in the hope that a reconciliation might be effected. Thereafter Mr. and Mrs. Broderick lived together on the promise of Mr. Broderick that he would conduct himself as a faithful and affectionate husband.

Mrs. Broderick, in the declaration filed yesterday, alleges that her husband has broken all his promises and has on several occasions of recent date, particularly on the night of November 7, he cursed and abused her, and threatened her life. She alleges to be greatly in fear of bodily harm. Mrs. Broderick asks the court to proceed to a final decree.

Alleging infidelity, Mrs. Jennie Hurley filed suit in the District Supreme Court against John W. Hurley, for absolute divorce. The couple were married in this city, where Hurley is employed as a salesman in a clothing store, July 17, 1895. There are no children. Mrs. Hurley names alleged co-respondents, and asks for alimony, and the permission to resume her maiden name, Jennie Mickle.

Gets Damages Against District.

Damages amounting to \$2,500 were awarded yesterday to Charles W. Hepburn in his suit against the District in the Circuit Court. While walking along K street northeast, near First, on the evening of December 30, Mr. Hepburn alleged, he tripped over a piece of curbing negligently left on the sidewalk. He was thrown to the ground and broke his arm. He originally brought suit to recover \$50,000. Attorneys E. T. Colladay and Harry F. Lerch represented the plaintiff.

Explains Alcohol Laws.

Dr. C. A. Crampton, chief chemist of the Bureau of Internal Revenue, Treasury Department, addressed the Chemical Society of Washington at the Cosmos Club last night. He took as his subject "Use of denatured alcohol for fuel from tax," and in this connection recalled his trip to Europe with Commissioner Yerkes to study the laws governing, and the use of, denatured alcohol.

New Members for Trial Board.

In accordance with a recommendation of Maj. Sylvester, the Commissioners yesterday appointed Inspector Swindells and Capt. Elliott as members of the police trial board, for the determination of cases where no important legal points are involved. This board is appointed in addition to the board composed of the assistant corporation counsel and two officers of the police department.

Picture Agent in Trouble.

A picture agent who for the past ten days has been working with energy among the citizens of Anacostia was arrested last night by Officer Frazier, of substitution A, on the charge of embezzlement. The man's employer, W. J. McGuinness, failed to notice returns, and on this account caused his arrest.

AFTER WELCOMING FOREIGNERS

Insurance Companies May Have to Pay 'Frisco Losses.'

William Thomas and Oscar Sutra, attorneys of San Francisco, representing the policy holders in certain German and Austrian insurance companies, had a conference at the State Department yesterday with Assistant Secretary Bacon in regard to their effort to obtain satisfaction from the foreign companies which have refused to pay fire losses in San Francisco.

The amount of the policies held in four German and Austrian companies by San Francisco sufferers aggregates more than \$4,000,000, and thus far the companies have refused \$250,000 single dollar, and have repudiated all claims arising from the San Francisco disaster.

It is the purpose of Messrs. Thomas and Sutra to go to Germany and lay the matter before the proper German authorities, in an effort to have the claims adjusted and paid.

While there is nothing which the State Department can do officially in the matter, every assistance possible will be extended to the San Francisco attorneys. They will be given letters of introduction to the American representatives in Germany, who will be asked to do what they can to aid them.

Count Hatzfeldt, counselor of the German legation, called at the State Department yesterday morning and had a talk with Mr. Bacon, who advised him of the purpose of Messrs. Thomas and Sutra in going to Germany.

TO BUILD 26 BUILDINGS.

Harry Wardman Gets Permits for Erection of Houses.

Harry Wardman, the builder, is making extensive preparations to erect a number of dwelling houses within the near future. He will build twenty-six dwellings at 3234 to 3274 Eleventh street northwest, at an estimated cost of \$75,000. He will erect nine two-story brick houses at 138 to 148 Quincy street northeast, at a cost of \$35,000, and five two-story brick dwellings at 1334 to 1374 Eckington place northeast, at cost \$35,000. A. H. Seers is the architect of all the buildings, and permits for their erection were taken out at the District Building yesterday.

The N. T. Haller Company, architects, are drawing plans for ten two-story brick dwellings, to be erected for J. H. Loyd at Eleventh and Spring streets northwest.

WOODWARD SHARES EXPENSE.

Must Pay Part of Cost of Trip to Health Conference in Mexico.

Dr. W. C. Woodward, health officer of the District, who expects to attend the annual meeting of the Public Health Association, which is to be held in Mexico City this year, will be compelled to pay a portion of the expenses incurred by the trip.

The Commissioners said yesterday that although the attendance of the health officer on these meetings and conventions beneficial to the District, they think it defray the total expense, as it has done.

The Auditor has been asked to determine if their views are practicable, and if so, the proportion must be paid by the District. Dr. Woodward has expressed his willingness to pay a proportionate share.

NEW HOURS AT DISPENSARY.

Three Physicians to Be Present to Treat Consumption.

The Free Dispensary for Consumptives announces the following as hours when physicians will be in attendance: On Monday, Tuesday, Wednesday and Thursday, from 2 to 3 p. m., and on Fridays from 7:30 to 8:30 p. m. Three different physicians will be in attendance at each of these sessions.

The work done by this dispensary is a part of the organized efforts being made toward the prevention of consumption, more than 800 dispensary visits having been made during the last year. A canvass for funds is being made by the officers of the institution.

Mrs. Rosa Dietrich's Will Filed.

Under the will of Mrs. Rosa Dietrich, dated October 23, and filed for probate yesterday, her entire estate goes to her husband, John August Dietrich, who is named as executor, without bond.

According to the terms of the will of Charles P. Scott, dated May 24 last, and filed yesterday, premises 308 Sherman avenue, northeast, are given to his wife, Mrs. Julia M. Scott, during life. Bequests of \$50 each are made to Washington Scott and Rosina Scott, children of the deceased by a former marriage. At the death of Mrs. Scott, the premises are to go to the children of the second marriage. The residue of the estate is left to the widow, Washington Scott is named as executor.

Bonfire Brings Destruction.

The careless burning of a heap of rubbish in a back yard caused the partial destruction of the home of L. S. Lipscomb, 2350 Seventeenth street, yesterday afternoon about 1 o'clock. Sparks from the burning paper reached the kitchen of the dwelling, and the occupants could not get the fire department to the blaze in time. Most of the interior furniture of the house was lost, and the damage is estimated at \$3,500.

Three Lawyers Qualify.

Frederick S. Lyon, Frank Prayser, and Luther M. Long, on motion of F. M. Phelps, V. E. Wallace, and E. L. Gies, respectively, yesterday were admitted to practice before the District Court of Appeals.

MARRIAGE LICENSES.

Gustave Langlois, 52, and Alice V. Hollander, 34, both of Washington, D. C., 30 years. John F. Stiff, 25, and Lillian Doherty, 19, Richmond, Va. Rev. J. M. J. Murr. Isaac R. Moore, 37, and Nellie W. Hamilton, 38, Huntville, W. Va. Rev. D. C. MacLeod. Robert T. Neely, 25, and Dorothy Heath, 19, New York, N. Y. Rev. George E. Gillespie. Louis E. James, 41, and Regina West, 18, Rev. Alex. Bilak. Willis C. Mott, 22, and Rose B. Edmonds, 20, E. H. Rev. Herbert S. De Land, 29, New York, N. Y., and Julia D. Matthews, 23, Rev. Cornelius S. Abbott, Jr. Robert L. Tate, 32, and Lela A. Holt, 24, Charlotte, N. C. Rev. Clement Brown. Frederick J. Eichholz, 32, and Kathleen S. Passau, 32, Rev. W. H. Bellenger.

Young Summers, 37, and Frances Simms, 43, Rev. Stephen G. Lambkins. John W. Washington, 38, and Josephine Frye, 23, Rev. Joseph Matthews. William E. Lightfoot, 22, and Della Oliver, 21, Rev. J. A. Taylor. Dennis A. Lee, 22, and Clara Brooks, 21, Rev. Theodore Williams. George F. Thomas, 24, and Mary E. Johnson, 21, Rev. F. X. Bickel. Albert C. Dunmore, 22, and Maud Coates, 20, Rev. E. J. Ritchie.

DEATH RECORD.

John H. Kimball, conf. Hosp. Tusane, 55 years. Hester A. Perry, Benning, D. C., 63 years. Cora V. Stalins, 629 24th st. nw., 30 years. R. Calvin King, 307 M st. nw., 31 years. William L. Bell, 44 B st. ne., 53 years. Laura Year, 814 B st. ne., 39 years. Alice Foster, 214 B st. ne., 29 years. Catherine L. Simmons, 908 F st. nw., 28 years. Annie C. Loman, 188 24th st. ne., 60 years. Rachel Munn, 122 Park st. ne., 84 years. Anthony Marrett, 122 G st. sw., 63 years. Joseph P. Macerone, 91 22d st. nw., 70 years. John Hill, Home for the Aged and Indigent, 65 years. Maud Brashers, 520 B st. ne., 60 years. Margaret M. Hayes, 102 5th st. ne., 51 years. Joseph E. Mayhew, 102 5th st. ne., 51 years. Martha Hoffman, 707 C st. ne., 81 years. Lewis Matthews, 1115 M st. ne., 33 years. George M. Feltz, 32, 128 E st. nw., 2 months. Mrs. S. Branch, 188 24th st. ne., 1 month. Albert H. Montgomery, 362 Corcoran nw., 22 days. Henry L. Crittenden, Nat. Home Hospital, 3 days.

THE COUNTERSTROKE

BY AMBROSE PRATT, AUTHOR OF "VIGOROUS DAUNT, BILLIONAIRE."

CAPTER XXII.

Game of Dice and Its Consequences.

The 1st of August, contrary to Miss Elliott's expectations, passed in absolute tranquillity. She saw neither the count, nor Jibloff, nor yet Madame. Desire came to her in the evening, and they dined together in solitary state. The girl had done a hard day's work and was weary, but before the meal was over she was sent for by her grandfather, and Francine saw nothing of her until noon of the next day.

Then Desire was able to inform her of the reason of the strange inactivity that prevailed at the chateau. The count and Jibloff were waiting with the gravest anxiety for the arrival of Madame's husband, the prince. It seemed that a telegram had arrived saying that he had been suddenly taken ill, and although the count had dispatched a score of inquisitive cables, no satisfactory reply had been yet received in answer to his eager questioning.

Desire said that she had never known her grandfather to be so disquieted. He appeared to be expecting some catastrophe, and had just taken the extreme step of ordering his own yacht to be immediately dispatched to the island. Meanwhile he passed the time in his library with Madame and Jibloff, gambling for high stakes with the Turk at cards and dice. He had been losing very heavily, and even very bad temper and upset. Two men were kept constantly on the look-out searching for the appearance of the count's yacht, and every hour messages passed to and fro between the castle and the mounting post, messages which increased the old man's ill humor.

"The Turk also was uneasy and distraught. His yacht was kept under steam and was prepared at an instant's notice to depart, his men being all on board at their posts, with the exception of a single boat's crew that waited on the beach, ready to convey their master on board the moment that he wished."

Francine was very curious as to the cause of all this anxiety, but Desire was not able to further enlighten her, although both guessed that the count and Jibloff were afraid that the prince might have turned traitor, and were preparing themselves to meet such a contingency.

Late in the afternoon, however, a change came over the spirit of the scene. Servants who had been before busily engaged in taking up carpets and packing up the more valuable furniture of the chateau suddenly disappeared, to reappear after an interval and just as hurriedly under their previous work. Like a swarm of bees they buzzed about putting everything again in order, and at the expiration of an hour the castle presented its old appearance of calm magnificence.

A message was soon afterward brought to Francine commanding her to array herself in her richest costume and dine with the count in the old man's library that evening. She guessed by that that the count's fears had been by some means allayed. She prepared to obey the summons, but when she reached the dining room she found the count and Jibloff seated at the table, and she saw that the fatal moment of her life had almost arrived, and during her toilet she often fingered the knife which she had stolen, with a feeling of despairing consolation, recognizing it as a last friend whose assistance she must presently rely upon if she wished to save herself from indignity and outrage, worse to her mind a thousand times than death.

She ceased to fear death itself, but she was a woman, and her soul stood appalled before the threshold of the tomb. The brutal means of death at her command terrified her instincts and made her heart recoil in shuddersome dread. She wished to presently rely upon her provided with some searching and painful poison. Such she would have readily taken without waiting for the compulsion of insult and ignominy, but the cold-bladed knife seemed too hideous, and it would bring before the end came too sure and certain. Finally she hid it in her bosom, her mind resolute to use it when the need arose, but shivering at the thought of the dreadful act itself, and anxious to postpone that act as long as possible.

She donned an empire gown of pale blue silk that draped her graceful figure with the charm of perfect simplicity, and when the time came, she glided from the room, feeling hardly of earth, and as though the dark portal had been already passed, for her steps were light as air, and in her fancy she seemed to glide above the boards without sense of effort or motion, like a disembodied spirit.

Dinner was already served when she entered the library. The host and guests were already seated, the count at the head of the table, his two dumb attendants as usual one on each side his chair, the chain that joined them stretched at right angles behind the old man's back. Madame sat on his left, and Jibloff arrayed, Jibloff beside her, while Desire was placed directly opposite her father, thus leaving a vacant chair on the count's right hand. The old man was positively beaming, his eyes sparkled, his whole manner was extremely animated, and he was engaged in chaffing the Turk most genially.

Francine caught a fragment of his words. "When luck turns it turns. Yesterday and this morning all was against me; but with the prince's message the goodness smiled upon me. This morning

you were a mighty winner; now you owe me \$10,000. To-night I shall beggar you, my friend."

Jibloff replied with a forced laugh. "We shall see, sir; we shall see. Dame Fortune is ever a fickle mistress to depend upon."

At that moment they became conscious of Miss Elliott's presence and turned to look at her. The girl had never appeared so beautiful. Her large blue eyes stared straight before her, moist and glistening like stars; she appeared to be only half conscious of her immediate environment, for her gaze was rapt, ecstatic and seer-like; her mouth was like a blazing scarlet flower, the lips parted to show her milk-white teeth. She formed a picture which both men appreciated with a sharply indrawn breath of admiration, but the count's proprietorial instincts were soon excited by the contemplation of such loveliness and the impression which she had made upon the Turk.

"This," he said in French, recovering himself hastily, "the lady whom I told you of. Sit down, Miss Elliott."

The Turk arose, and slipping around the table, placed her chair. "I am delighted to make your acquaintance, Miss Elliott," he muttered in her ear.

The count heard and chuckled softly to himself.

Francine threw back her head with the gesture of a queen, giving the Turk a glance which slightly disconcerted him. She replied with icy calm:

"Do not trouble yourself to be polite, sir."

"But, mademoiselle—"

"I pray you resume your seat."

He bowed humbly, and at once fell back. The girl sat down and turned to the count. "Is the bargain completed?" she demanded, laughingly. "Am I already the chattel of that man?"

"Not yet, mademoiselle. Not yet, my dear. It will be hard for me to part with a creature so superb as you."

Madame gave utterance to a sudden rippling laugh. "Don't tell me that you intend to present Desire with a new grandmamma," she cried.

The count broke into a roar of laughter, sinking back in his cushions to indulge his mirth; then, after a draught of champagne, he turned to the girl and said: "Katherine! I have been too long a celibate—how knows?"

Francine shivered and turned pale. "I should make you a bad wife," she muttered.

The old man gave a sneer. "Who spoke of marriage?" he demanded coarsely. "But there, my dear, calm yourself; I would rather think of you at present as my daughter."

He turned to the Turk: "It is strange, Jibloff, no sign yet of the Argonaut; she should be here by now."

"Hardly, excellency; you wired for her only this afternoon."

He bowed humbly, and at once fell back. The girl sat down and turned to the count. "Is the bargain completed?" she demanded, laughingly. "Am I already the chattel of that man?"

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"Hardly, excellency; you wired for her only this afternoon."

"But it is scarce an eight hours' run; her speed is a captain whom I can personate."

"She might not have been under steam."

"Absurd; she is always ready."

"Pardon; she should, perhaps, be always ready, but orders are sometimes discrepant."

"If she does not arrive before morning, some one shall suffer. We shall have an execution."

"Four encourager les autres?"

Madame held up a warning forefinger. "You will presently not have a qualified navigator left in your service, my father. It is not three months since Capt. Chino caught a cold."

"Ah, bah!" returned the count; "the world is wide; it has many children."

The Turk laughed cynically. "True, excellency; most true. If need arise, I can give you a captain whom I can personate."

"Voulez-vous un homme jeune, enthousiaste, et ardent, qui se sent condamné à mort par l'indiscipline commise dans le Sultan's seraglio. He would regard with his savior and would serve you faithfully."

"Timeo Danaos et dona ferentes," sneered the count.

"Pardon, I do not know the tongue you speak in," said the Turk.

The old man smiled. "The I shall translate my words, dear Yussuf. I said I should feel a monster to deprive you of so useful a servant, especially as the fact is I do not need his services."

Jibloff, shrugging his shoulders, applied himself to the pleasures of the board, and thereafter silence reigned until the conclusion of the meal. When all was satisfied, servants carried the table bodily away, and substituted a smaller one, adorned with green cloth and armed with cards and dice.

Francine would have departed, but the count restrained her with a look, and at a nod from him negroes guarded the doors against escape. Both he and Jibloff had drunk deeply during dinner, and their faces were flushed, their manner anxious and excited. Madame took a distant chair, but Madame and Desire stood beside the table, eager to watch the play.

Jibloff shuffled the cards. The count faced, and turning his portion of the pack face downward took up the dice box.

"What shall the stake be?" he demanded.

"Whatever sum you please."

"A thousand pounds rising from ace to six."

"Agreed! commence!"

"Then I say back!"

"And I red; throw the dice!"

The count threw, and the uppermost was six. Slowly either man turned up

a card, the count that on the bottom of his pack, the Turk that on the top of his. The count's card was the ace of spades. "Six thousand pounds the limit," he observed calmly. "That makes in all sixteen that you owe me, my friend."

Jibloff turned a little pale and his hands trembled as he gathered up the cards. The count cut again, but this time his adversary called, growling out: "Red, red for my life!" and quickly threw the dice, which on settling showed the number five. He turned up his card—seven of hearts—and threw it on the table with a shout of triumph. That reduced the score by five," he cried.

"Precisely," returned the count, whose manner was growing more and more cold and businesslike as the game proceeded. "Shuffle the cards, my dear Jibloff, a little more, will you?"

They played on for an hour in this fashion, the varying luck, but at the expiration of that time fortune set with a steady tide in favor of the Turk, and for a period he continued to win every hand with most monotonous precision. The score mounted on his side until he had recorded the enormous gain of eighty thousand pounds. With this success he grew each moment more excited, more triumphant. He leered at the count with the coarsest vulgarity, deriding the old man's previous boast to beggar him, and savagely taunting his opponent to increase the stakes. The Count d'Attala listened calmly, a set half smile just turning the edges of his thin and pasty colored lips, but his eyes, which he kept resolutely fixed upon the cards were alight with the feverish fire of gaming and something else besides, perhaps malice, perhaps hate, but so well did he command himself that very little of his mind was manifest. He answered his adversary nothing, but although he piled the Turk with wine, keeping his glass constantly replenished, he drank but little himself, and was otherwise motionless and silent as an automatic figure.

"Increase the stakes—increase the stakes!" grated out the Turk for the twentieth time. "You owe me eighty thousand pounds! I am determined to break you, but let us get it over quickly. It is now 11; at midnight the price will be with us, and I must then away. Indeed, I should have gone twelve hours ago, as well as you know. Let us end the matter quickly."

The count slightly shrugged his shoulders, and for the first time looked his opponent in the eyes. "Let us change the game; let us throw a single stake for eighty thousand pounds!"

"But if I win?"

"I have enough to pay you."

"That is my affair; but I shall win, dear friend, I shall win."

"You lie! you shall not. Throw, throw!"

The count smiled a grim, horrible smile, and obeyed.

"A million curses!" shouted the Turk. "Give me the dice!" The count had thrown six. Jibloff shook the dice for a moment, then crashed the box upon the table. The number uppermost was five. The count leaned back gently. "Ha, ha! said I not so? We are quits, dear friend."

"Let us resume," cried the Turk, his face livid with rage. "Let us throw each time for ten thousand."

"No! I weary of the game; a little relaxation, I beg of you."

"Two more throws first, only two," urged the Turk.

"For such a captain whom I can personate."

"As high as you please!"

"Fifty thousand pounds!"

"Yes!" The count snatched up the dice, and quick as light threw five.

Jibloff threw two. "Damnation!" he muttered.

The count threw again, this time five.

Jibloff pressed the box to his lips and kissed it passionately. "Little friend," he said humbly, "little friend, do not betray me." Holding his hand on high, he allowed the ivory to fall. Madame and Desire started forward, watching the cast with bated breath. The count leaned back and closed his eyes.

"Six!" cried Madame.

"Allah be praised!" said the Turk, sobered for a second by his narrow victory. "The count opened his eyes and smiled. 'Again, we are quits, my friend, though I hoped to have earned a hundred thousand pounds,' he said gently. 'Well, now for a little rest; surely we have earned it. Miss Elliott!'

Francine got to her feet and slowly came forward. "Yes?"

"Oblige me by standing there, a little to the right; no, a step forward—no! Now, Jibloff!"

The Turk swung around and gazed at the girl embracingly. "A good face," he said. "What is your price?"

"Five thousand pounds."

"Too much; far too much."

Francine stared at her enemies with eyes aflame, her cheeks paling to the hue of milk. Slowly she drew up her right hand until it rested on the bosom of her gown, then, inch by inch, she felt back toward the wall. But the count's prey-forgiveness was superhuman.

While watching her with apparent calm, he was signing rapidly with his hands to the dumb slaves behind his